

BOARD OF PARK COMMISSIONERS**REGULAR MEETING****Monday, March 8, 2004**

Present: Bob Aldrich, June Bailey, Dennis Brunner, Colleen Craig, Glen Dey

Absent: Bobbie Harris and Janet Miller

Also Present: Greg and Patti Lamb; Jeff Sowder, David Schopf, and Ron Capps, Midian Shrine; Kathy Dittmer, Riverside Citizens Association; Tim McCurdy, Century II; Mike North, Law Department; Doug Kupper and Maryann Crockett (staff)

President Bailey called the meeting to order at approximately 3:32 p.m. The minutes of the regular meeting of February 9, 2004, were reviewed and approved.

1. **Public Agenda.**

- Jack Patton – commented that he has been a soccer coach for seventeen years involved with both the Sedgwick County Soccer Association (SCSA) and the American Youth Soccer Organization (AYSO). He said he has issues with the fee increases being proposed by the City. He gave a brief background on the South Lakes Soccer Complex stating that various organizations had donated thousands of dollars, hours, goods and services into development of the complex. He commented that the programs run by both the SCSA and AYSO provided coaches, officials, uniforms and insurance for their players. He concluded by mentioning cost and revenue formulas and the income soccer tournaments have brought to the City.

2. **Cell Tower Requests – Linwood Park Ball Fields, Harrison Park Football Field, and Auburn Hills Golf Course.** Greg Ferris stated that he was working with T-Mobile Wireless Communications Company to locate sites for cell towers. He provided board members several handouts beginning with an aerial of the maintenance facility and surrounding area at Auburn Hills Golf Course. He commented that since the area was already commercial in nature and not near the golf course, they felt it would be an appropriate location for a 130'-150' monopole.

Mr. Ferris explained that the City has a standard lease agreement for cell towers, which requires that the City be paid \$8,500 a year fee for each cell tower located on City property. In addition, the City gets a free site on each tower. He said presenting the cell tower locations to the Park Board was the first step in the City process. He said he would also present the proposal to the District Advisory Boards, Design Review Committee, Metropolitan Area Planning Commission and hold public hearings. He said the City has the potential of earning approximately \$25,000 in revenue a year on the three proposed cell tower sites.

Mr. Ferris referred to a map of Linwood Park South where they proposed rebuilding an existing light pole located at the baseball diamond (just north of the recreation center), construction of a 15' access road, and construction of a 50' x 50' compound (surrounded by a 6' fence) and anchoring structure for a 150' monopole. He said the City's Wireless Communication Plan also suggests replacing light poles with monopoles, whenever possible. He added that the wireless plan also requested that poles

be kept out of “environmentally sensitive” areas and that co-locations and rooftop locations be explored as much as possible.

Mr. Ferris referred to a map of Harrison Park where they proposed rebuilding an existing light pole on the south side of the rugby field, construction of a gravel access road from the existing parking lot to the site, and construction of a 30' x 60' compound (surrounded by an 8' fence) to house a monopole. He said they could access the proposed site without eliminating any trees.

Dennis Brunner stated that he had heard information that the State of Kansas was imposing a \$10,000 tax on each cell tower site. He related an incident where the cell tower builder refused to pay the tax and; therefore, the property owner where the tower was located was being held responsible for payment. Mr. Ferris explained the difference between cell tower builders and wireless communication companies. He also related that the City's lease was very clear on the tax issue; that the City would not be responsible for payment of any taxes on the towers.

Glen Dey asked how many carriers were located on each tower. Mr. Ferris indicated that the City required three. Glen Dey mentioned possible use by mobile/wireless computers. Mr. Ferris indicated that T-Mobile was wireless compatible. He also mentioned a proposed bill in Topeka that acknowledged that cell towers were becoming a public safety issue and that there was discussion whether City's could deny tower locations based on aesthetics. He said he felt the three areas being proposed were appropriate areas for tower locations.

Bob Aldrich clarified that the requests were not only for cell tower locations, but also easements through parks for drives and cell tower compounds. Mr. Ferris acknowledged that was correct. Director Kupper commented that park staff and the Design Review Committee would review the proposed locations. He added that staff supported replacing light poles at athletic fields with towers where appropriate.

On motion by Aldrich, second by Dey, IT WAS VOTED UNANIMOUSLY that staff review all three locations and provide feedback to the Board at the April meeting.

3. **Toughman Competition.** Director Kupper explained that since the Sports Commission was sunsetted, the Park Board had been assigned the responsibility to make recommendations to City management regarding these types of events and to insure that staff properly processed paperwork for the competitions. He introduced Tim McCurdy, Operations Manager, Century II. Mr. McCurdy explained that the City had an Ordinance that governed such events. He said the Law Department was currently reviewing the insurance provided by the event promoter to insure that it met City Ordinance requirements. He said the competition was scheduled to take place Friday and Saturday, March 12 and 13, 2004, at 8:00 p.m. at Century II.

President Bailey inquired if anyone from the public wished to speak on the issue. The following individuals spoke:

- Greg Lamb – stated that insurance should be required for the fighters in these competitions, not just the audience.
- Patti Lamb – provided board members a list of “Deaths and Injuries at Toughman-Style Contests Nationwide”. She stated that there have been thirteen deaths related to these types of events since

1981, which she said is four times higher than the death rate in amateur boxing. She made several comments concerning promoters of these events not following their own rules and regulations including: lack of qualified medical personnel on site, pairing inexperienced fighters with more experienced fighters, hiring unqualified referees, ignoring the policy on receiving an endorsement letter from a benevolent association, and ignoring the rule regarding a four-day waiting period between fights. She commented that many of the competitions are two-day events. She added that according to K.S.A. 21-1801-A, prize fighting was illegal in the State of Kansas. She concluded by referencing several other Kansas State Statutes that she felt the competitions violated.

Bob Aldrich asked staff what the Board could do. Mike North, Assistant City Attorney, commented that in the Board's advisory capacity they could only make a recommendation to the governing body. He clarified that the Park Board did not have the authority to decide whether or not the competitions would be allowed to take place. He said that authority rested with the City Council.

4. **Country Acres, B Addition Parkland**. Director Kupper commented that there were two small pieces of park property adjacent to the property the Midian Shrine was interested in purchasing, south of 13th Street and east of Ridge Road. David Sowder, Potentate, Midian Shrine, stated that the Shriners were looking at purchasing the 24-acre tract and moving the downtown Shrine Temple within the next 3-5 years. He said they proposed building a 20,000 square foot building costing approximately \$1.5 million that would be similar in architectural style to the homes at Spinnaker Cove, across the lake directly east of the site.

Mr. Sowder stated that the Midian Shrine would like to discuss the idea of "adopting" the 4-acre park site at the south end of the property. He said they would be willing to mow and maintain the area with the understanding that the Park Board would retain ownership of the property and be responsible on any liability issues.

Mr. Sowder stated that they were also requesting a 30' easement along the west side of the property for the purpose of a bicycle/pedestrian path that would connect the two park properties and allow residents to walk to Sedgwick County Park. He mentioned that they had met with the residents of Spinnaker Cove on February 19 to address their concerns and that they were in the process of scheduling a meeting with representatives from Country Acres.

There was brief discussion concerning landscaping around the proposed building, liability issues, proposed soccer fields, and status of the zoning request on the property. Mr. Sowder stated that they have requested a conditional use permit for the site from the Wichita/Sedgwick County Metropolitan Area Planning Commission.

Bob Aldrich asked how much the 30' easement for the proposed bicycle/pedestrian path would cost the City. Director Kupper commented that if the Board agreed to the proposed plan, the City would probably pay for construction of the path. Responding to a question, Director Kupper clarified that even if the Midian Shrine adopted the park area south of the property, the City would still retain ownership. Glen Dey asked if there was playground equipment on the parcel. Director Kupper said the City had not installed the playground equipment that was located at the site.

President Bailey inquired if anyone from the public wished to speak on the issue. The following individuals spoke:

- Harrell Duncan – said he was concerned that the Park Department not give up their authority and control of the two park areas adjacent to the property being discussed. He said the neighborhood has taken care of those areas for over twenty-five years. He also commented that safety was an issue and that there was no sidewalk along 13th Street near Scouller and Ridge and that it was a very dangerous area.
- Neil Ginest – commented that the Spinnaker Cove residents were concerned about increased traffic in the area, liability issues involved with the lake and keeping people off of the lake, the proposed bicycle path that would lead to an area with no sidewalk, and the location of the bridge and its close proximity to the proposed path. He added that he felt it was premature and inappropriate to bring the proposal to the Park Board, prior to receiving the decision of the Wichita/Sedgwick County Metropolitan Area Planning Commission on the issue.
- Joan Ginest – stated that the Midian Shrine was a 3,400-member organization and that the facility being proposed would have a bar on the premises. She mentioned several issues including the 13th Street Bridge and the entrance into the proposed facility. She also said that every time they see the plan for the facility it changes. She requested that the Board wait until liability, rezoning, drainage, devaluation of property, and other issues had been resolved prior to making a decision on the proposal.
- Larry Alderson – said he saw no value in connecting the two park areas and having people go to Ridge Road and 13th Street, which was a very busy intersection. He also said that the path would be too close to the 13th Street Bridge.
- Dennis Moon – reminded Director Kupper that the Park Department had previously told the neighborhood that they would not give up or vacate the park parcels.
- Mark Jost – expressed concern regarding the proposed bicycle/pedestrian path and its close proximity to the 13th Street bridge.

Director Kupper once again clarified that if the Midian Shrine “adopted” the south park parcel, the Park Department would not relinquish control of the property; that it would remain parkland under the jurisdiction and control of the City of Wichita to be used by all citizens. (It should be noted for the record that there was a great deal of confusion regarding this issue.) In response to several other comments about the proposal, Director Kupper explained that this was the first opportunity the Park Board (as an adjacent property owner) had to review the Shriner’s proposal. He acknowledged that the Board had gone on record that they would not give up the adjacent park parcels.

There was general discussion concerning conditional use permits, adoption of the south park parcel and its use for recreational purposes only, and the proposed bicycle path and funding for the path. Director Kupper explained that the proposed path, if an easement was granted and if funding was appropriated, was a theoretical issue. He did mention the City’s plan to connect the zoo to Central Avenue, as well as connecting other park areas possibly through the use of drainage ways and other easements.

Dennis Brunner stated that as the Park Board representative from District V, he wanted to assure the neighborhood residents that the Board had no intention of giving away any parkland whatsoever. He added that an “adopt-a- park agreement” was a partnership to maintain the property for park purposes.

Mr. Sowder commented that the plans for the facility had not changed and that he hoped the Shriners and the Spinnaker Cove and Country Acres residents could work through the issues regarding the proposal. It was the general consensus of the Board that the City Council had the final authority on any recommendation on the proposal by either the Park Board or the Wichita/Sedgwick County Metropolitan Area Planning Commission.

On motion by Aldrich, second by Dey, IT WAS VOTED UNANIMOUSLY to accept the Shriner’s proposal for a 30’ easement for a connecting path as presented.

5. **Pat Garcia Memorial Park.** Director Kupper reported that Francisco Banuelos had withdrawn his request for the land trade prior to the February 18, 2004, District VI Advisory Board Meeting and that the issue was officially closed. Dennis Brunner inquired about the possibility of Mr. Banuelos donating the property located south of 25th Street for park purposes.
6. **Grand Re-Opening of Riverside Park – May 1, 2004.** Director Kupper reported that the grand re-opening of Riverside Park was scheduled for Saturday, May 1, 2004, at 1:00 p.m. He said events scheduled included an ice cream social, bands at the gazebo, demonstrations at the Kansas Wildlife Exhibit, and individuals dressed in period costumes.

Kathy Dittmer, President, Riverside Citizens Association, added that other events being negotiated were a demonstration by the area disc golf club, trolley tours of the area and musical performances by North High School, the Riverside Choir and dancers from Horace Mann Elementary School.

7. **Director’s Update.** Director Kupper reported briefly on the following items:
 - **Sedgwick County Soccer Association (SCSA).** Provided board members a hand out, which was correspondence from Jay Holmes, President, Sedgwick County Soccer Association, concerning a meeting that was held regarding South Lakes Park and future negotiations between the SCSA and the City.
 - **River City Soccer Club (RCSC).** Provided board members a handout, which was correspondence from Tom Power, Director of Coaching, River City Soccer Club, thanking park staff for their efforts in helping to make RCSC’s first tournament at Stryker Soccer Field such a great success.

There was general discussion concerning various soccer issues including field maintenance, proposed fee increases, 100% cost recovery and liability issues associated with SCSA taking over management of South Lakes Soccer Complex. Director Kupper referred board members to a hand out, which was the report and recommendations of the “Alternative Revenue Task Force” regarding athletic fees, facility rental fees and other fees. It was noted that the task force recommended 100% cost recovery for adult sports and 50% cost recovery for youth sports.

- **Tour of Park Facilities – Saturday, April 3, 2004.** Requested that Board members provide staff a list of park facilities that they would like to tour. It was suggested that the Board meet from

approximately 10:00 a.m. until 12:00 Noon and then proceed on the park tour; stopping for lunch at a park.

- Summer of Discovery. President Bailey asked about the 2004 Summer of Discovery program. Director Kupper responded that the program was being offered at nine recreation centers; that there had been no fee increase and that the fee has remained at \$75 per week; that each week offered a different theme; and that program registration begins April 3, 2004.
- Skate Park. President Bailey asked about the status of the downtown skate park. Director Kupper responded that the contract with California Skate Parks was scheduled to be presented to the City Council tomorrow; that public meetings would be held on the proposed park design and that the local skating community would be invited; and that the Design Review Committee would also review the proposed park design.
- Planeview and Linwood Park Land Exchanges. Reported that representatives from the Kansas Department of Wildlife and Parks had been in Wichita to review the proposed land exchanges for both Planeview and Linwood Parks.
- Garvey Park. Reported that the project has gone out for bid. He mentioned that the project had been cut by \$30,000 and that, therefore, some of the art features had been eliminated.

There being no further business, the meeting adjourned at approximately 5:35 p.m.

June Bailey, President

ATTEST:

Maryann Crockett, Clerk
Recording Secretary